

Claims 1, 16, and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 5-35 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The dependency of claims 16 and 17 has been amended. ←

Claims 1, 16, and 17 were rejected under the second paragraph of 35 U.S.C. 112. Reconsideration of the rejection is respectfully requested.

Claim 1 has been amended to recite that the claimed polypeptide consists of the recited amino acid sequence and to clarify that the polypeptide has gankyrin biological activity. Applicant submits that the metes and bounds of the claim are now clear. The claim is directed to a polypeptide consisting of a specified amino acid sequence. Moreover, that polypeptide does not have a signal sequence but it does possess gankyrin biological activity.

Applicant is not sure why the Examiner is asking a question about claim 16 in this rejection. Claim 16 relates to a polypeptide comprising the polypeptide of claim 1 to which a signal peptide is added. Those of ordinary skill in the art readily understand how to make a polypeptide by adding a signal sequence to the polypeptide of claim 1. There is no indefiniteness issue identified in the rejection.

Reconsideration of the rejection under the second paragraph of 35 U.S.C. 112 is respectfully requested.

Claims 1, 5 and 35 have been rejected under 35 U.S.C. 102(b) as anticipated by Kato. Claims 16 and 17 have been rejected under 35 U.S.C. 103(a) as obvious over Kato and further in view of Zhang and Jamsa. Reconsideration of the rejection is respectfully requested.

Kato is cited for teaching a larger polypeptide sequence that is alleged to inherently possess gankyrin biological activity. As amended, the claim 1 is now limited to a particular subsequence not taught or suggested by Kato or the other references. None of the cited references suggests that the particular subsequence possesses gankyrin biological activity.

Reconsideration of the rejections under sections 102 and 103 is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Aug. 11, 2003

By Stephen B. Maebius

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5571

Facsimile: (202) 672-5399

Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264